

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 249A.4, the Department of Human Services hereby amends Chapter 78, “Amount, Duration and Scope of Medical and Remedial Services,” Iowa Administrative Code.

This amendment will allow hospice agencies to use the Medicare election of hospice benefits as an alternative to using the election of Medicaid hospice benefits.

Medicaid members and hospice providers will benefit from this amendment. The Department will also be affected by a decrease in the number of exceptions to policy that are processed by the Department.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 3419C** on October 25, 2017. The Department received no comments during the public comment period. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on December 13, 2017.

This amendment does not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

This amendment is intended to implement Iowa Code section 249A.4.

This amendment will become effective February 7, 2018.

The following amendment is adopted.

Amend subparagraph **78.36(4)“b”(1)** as follows:

(1) Election statement. An individual, or individual’s representative, elects to receive the hospice benefit by filing an election statement, Form 470-2618, Election of Medicaid Hospice Benefit, or a Medicare election of hospice benefit form, with a particular hospice. The hospice may provide the individual with another election form to use provided the form includes the following information:

1. to 7. No change.

[Filed 12/13/17, effective 2/7/18]

[Published 1/3/18]

EDITOR’S NOTE: For replacement pages for IAC, see IAC Supplement 1/3/18.